IN THE HIGH COURT OF JUDICATURE AT BILASPUR [C.G.]

W.P. NO.3549 /2005 [S.B.]

PETITIONER :- Mahendra Kumar Kashyap aged about 30 years, S/o Raghunath Kashyap, R/o Village Kamta, Tah. Nawagarh, District Janjgir-Champa [C.G.]

VERSUS

RESPONDENTS

1] Deputy Director Panchayat and Social Welfare, Janjgir, District Janjgir-Champa [C.G.].

2] Gram Panchayat Kamta, through C.E.O. Janpad Panchayat Nawagarh, Head Office Janjgir, District Janjgir-Champa [C.G.].

3] Kumar Sai Chauhan aged about 35 years, S/o Kedar Chauhan, R/o Borda, Tah. Nawagarh, District Janjgir-Champa [C.G.].

P.R. No. 3642/05
Presented by Shri K.L. Dewangan
dated 28/7/05

PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... WP.No.3549 ..... **सन् 2005** 27

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	13-1-2006 Mr. H.V. Sharma, counsel for the petitioner. Mr. G.K. Beriwal, Deputy Advocate General for the State. Heard on admission. By this writ petition under Article 226/227 of the Constitution of India, the petitioner has questioned the legality, propriety and correctness of order dated 13-7-2005 (Annexure P-4) passed by the Deputy Director, Panchayat & Social Welfare, Janjgir-Champa, whereby learned Deputy Director in pursuance of the order of this Court dated 12-5-2005 in W.P.No.765/2003 quashed the order dated 14-2-2003 removing the services of respondent No.3 and recalled the order dated 28-9-2004 declaring the petitioner herein as Panchayat Secretary against the post which fell vacant on account of the removal of respondent No.3 herein. After recalling that order, respondent No.3 has been appointed as the Secretary, Gram Panchayat: Kamta. Consequently, the appointment of the petitioner herein, who was appointed as Panchayat Secretary against the vacancy arose on account of the removal of respondent No.3, has been set aside since respondent No.3 was holding the post of Panchayat Secretary prior to the appointment of the petitioner. Respondent No.3 was removed vide order dated 14-2-2003 and that has been set aside by this Court vide order dated 12-5-2005 in W.P. No.765/2003. Therefore, the petitioner has to make way for respondent No.3 to continue as Secretary, Gram Panchayat: Kamta and consequently, the petitioner has to be reverted back to the post of Panchayat Karmi on which he was working prior to his appointment as Panchayat Secretary. There is only one post of Panchayat Secretary and on that post, respondent No.3 has to be appointed and that is why he has been appointed.	

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

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मामला क्रमांक W.P.3549/ सन् 2005

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
Soma	In view of the foregoing discussion, I do not find any force in this writ petition, same is liable to be dismissed and it is hereby dismissed, in limine. Consequently, M.(W.)P.No.2987/2005 stands disposed of. **Sd/-** **L.C. Bhadoo** **Judge**	